

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

The Sustainability Institute, et. al.,

Plaintiffs,

Civil Action No.: 2:25-cv-02152-RMG

V.

DONALD J. TRUMP, in his official capacity as President of the United States, et. al.,

Defendants

**CERTIFICATION OF LEE M. ZELDIN
IN REPOSE TO COURT'S MAY 20, 2025, ORDER**

I, Lee M. Zeldin, declare that the following statements are true and correct to the best of my knowledge and belief and that they are based upon my own personal knowledge, on information contained in the records of the U.S. Environmental Protection Agency (EPA or Agency), or information supplied to me by employees under my supervision or employees in other EPA offices, and that they are provided in response to the Court's May 20, 2025, Preliminary Injunction Order in the above-captioned case.

1. In January 2025, I was sworn in to serve as the Administrator of the EPA, and I currently hold this position within the Agency.

Litigation Background

2. Based upon the briefings or discussions I have had with my staff and other information I have received during this litigation, I understand that on May 20, 2025, the District Court entered a preliminary injunction enjoining me, in my official capacity as Administrator of the EPA, and the Agency from “freezing and/or terminating Grants [2-15]” on Exhibit A

(Dkt. Nos. 136-1 and 157-1) and “direct[ing] that Plaintiffs access to funding for these grants be immediately restored[.]” Dkt. No. 157 at 8, 20.

- 3 3. I also understand that the Court further instructed that the Agency and I are enjoined “from
- 4 freezing, terminating or otherwise interfering with the funding of Grants [2-15] without
- 5 written authorization from the Court.” *Id.*
- 6 4. Finally, I understand that the Court directed the Agency and me “to submit a certification
- 7 to this Court within seven days of this Order confirming compliance with this Order.” *Id.*

8 Certification

- 9 5. This certification is provided to confirm that the Agency and I are in compliance with the
- 10 Court’s May 20, 2025, Order.
- 11 6. Specifically, regarding Grants 2-8 and 13-14 on Exhibit A (Dkt. Nos. 136-1 and 157-1), I
- 12 confirm that as of the date of this declaration, each of those recipients currently has access
- 13 to draw down funding in the Automated Standard Application for Payments (ASAP)
- 14 system. *See also* Dkt. No. 147-4 (Declaration of Travis Voyles).
- 15 7. Further, regarding Grants 9-12 on Exhibit A (Dkt. Nos. 136-1 and 157-1) that were
- 16 previously terminated, I confirm that as of the date of this declaration, those grants have
- 17 been reinstated and access to draw down funding in ASAP has been restored.
- 18 8. Finally, regarding Grant 15 on Exhibit A (Dkt. Nos. 136-1 and 157-1), based on
- 19 conversations with my staff, it is my understanding that this is a subaward of a grant
- 20 administered by the National Fish and Wildlife Foundation (NFWF), a pass-through entity
- 21 that received a grant from EPA’s Chesapeake Bay Program Office. Neither I nor the Agency
- 22 are able to verify this, however, using solely the information provided in Exhibit A and the
- 23 Plaintiff’s Amended Complaint. In any event, there are currently no funding restrictions on

Chesapeake Bay Program Office prime / pass-through grant recipients imposed by me or the Agency that would prevent them from drawing down funds from ASAP. Neither I nor EPA can verify whether any prime / pass-through recipients may have imposed specific conditions on their subrecipients that may prevent them from drawing down funds using solely the information provided in Exhibit A and the Plaintiff's Amended Complaint. *See also* Dkt. No. 147-4 (Declaration of Travis Voyles).

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Date: May 27, 2025



Lee M. Zeldin
EPA Administrator